DOCUMENT RESUME

ED 445 446 EC 308 050

AUTHOR	Gartner, Alan; Lipsky, Dorothy Kerzner
TITLE	The 1997 Reauthorization of IDEA: Individuals with Disabilities Education Act. NCERI Bulletin, Spring 1998.
INSTITUTION	City Univ of New York, NY. National Center on Educational Restructuring and Inclusion.
PUB DATE	1998-00-00
NOTE	5p.
AVAILABLE FROM	National Center on Educational Structuring and Inclusion, The Graduate School and University Center, 33 W. 42 St., New York, NY 10036 (single copies free).
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Curriculum; *Disabilities; Educational Legislation; Elementary Secondary Education; *Federal Legislation; *Inclusive Schools; Individualized Education Programs; Referral; *Regular and Special Education Relationship; *Special Education; *Student Placement
IDENTIFIERS	Amendments; *Individuals with Disabilities Educ Act Amend 1997

ABSTRACT

This bulletin on the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA) reviews ten provisions of the Act that support inclusive education, including: (1) language in the "Findings" section of the law that states the education of students with disabilities can be made more effective by having high expectations for students and ensuring their success in the general education curriculum; (2) a requirement that in the referral process schools give consideration to factors other than disability that may be affecting a student's performance; (3) a requirement that a general education teacher be on the Individualized Education Program team; (4) a requirement that a decision to exclude a student from general education must be justified; (5) a requirement that special education students be taught the general curriculum, not a separate special education curriculum; (6) a requirement that states establish performance goals for students with disabilities; (7) an end to the stricture that the use of special education funds may have only "incidental benefits" for general education students; (8) enhanced rights of parents; (9) funds for personnel preparation of general educators; and (10) a requirement that states funding formulas be placement neutral. (CR)

Reproductions supplied by EDRS are the best that can be made
from the original document.

bulletin

Spring 1998

National Center on Educational Restructuring and Inclusion

nceri

The Graduate School and University Center
The City University of New York

ED 445 446

The 1997 Reauthorization of IDEA: Individuals with Disabilities Education Act

Alan Gartner and Dorothy Kerzner Lipsky

The 1997 reauthorization of IDEA (P.L. 105-17) never mentions the word inclusion nor integration, yet a number of provisions of the Act support school restructuring and inclusive education. Indeed, one might rename the Act the Inclusion Development and Expansion Act. As the Disability Rights Education and Defense Fund (DREDF) states in an analysis of the reauthorized IDEA, the provisions of the new Act

> underscore that special education is comprised of modifications and services which must be provided to the child, if necessary, throughout the child's school day in the regular education classroom, rather than a discrete place the child goes to for special education (special day class or resource room) separate from the child's general education program. (*Individuals with Disabilities Education Act Amendments of 1997: Summary of changes*. (1997). Washington, D.C.: Disabilities Rights Education and Defense Fund, Inc.)

Highlighted below are ten provisions of the Act that support inclusive education.

1. High Expectations in the General Education Curriculum

The language in the "Findings" section of the law states that the education of students with disabilities can be made more effective by: "having high expectations for students and ensuring their success in the general curriculum..."; "[ensuring] that special education can become a service for such children rather than a place where they are sent..."; and "providing incentives for whole-school approaches... ." In these "findings", the Congress adopts the approach of the noted educator, Ron Edmonds and others in identifying "high expectations" and schoolwide approaches as central to school effectiveness. The Act adopts one of the central conceptions of inclusive education — that special education is not a "place" but a set of supports that can be provided in the general education classroom.

In the House and Senate Committee reports that accompany the law, it is frequently pointed out that the primary purpose of the new Act is to go beyond access to the schools and to secure for every child an education that actually yields successful educational results.

2. Consideration of Factors Other Than Disability

The Act requires that in the referral process schools must give consideration to factors other than disability that may be affecting a student's performance (Section 614(b)(4)). It states that a child may *not* be identified to be a student with a disability if the determining factor for such labeling is lack of instruction in reading or math. Basically, the inadequacies of the instructional program in general education are not to be the basis for consigning a student to special education. This provision encourages schools to strengthen their general education program so that it serves well all students. IDEA resources can be used toward this goal.

3. General Educator on the IEP Team

The Act requires that the IEP Team meeting to determine student program and placement must include a general education teacher, if the student is or may be participating in the general education program. (Section 614(d)1(B) and (C)). The rationale for the participation of the general education teacher is to bring to the IEP process someone familiar with the general education curriculum, which is to be the basis of the student's program. Since the IEP meeting is a decision-making process, involving the school system and the parents, the

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
Lipsky
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
1
U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.
EC 308050
BEST COPY AVAILABLE

failure to have a general education teacher present may subject a school district to parental legal action. In other words, the parent may claim that the school district made a decision prior to the IEP meeting to exclude the child from the benefits of a general education placement and the general education curriculum.

4. Decision to Exclude a Student From General Education Must Be Justified

The Act requires that school systems must justify a decision for a child not to participate with nondisabled students in academic, extracurricular, and nonacademic activities (Section 614(d)). A placement in the general education environment is taken to be the norm and exclusion in any of these areas has to be specifically justified. In introducing the IDEA amendments, Senator Goodling, one of the bill's major sponsors, said, "Students remain in special education because they lose contact with what other students their age are learning and can no longer keep up. This legislation will ensure that the general education curriculum is part of every child's IEP or justifies why it is not."

5. General Education Curriculum the Norm

The Act requires that special education students be taught the general curriculum, not a separate special education curriculum. This is reinforced by the requirement that the IEP describe: a) how the student's disability affects her/his involvement in the general education curriculum; b) that annual goals and short-term objectives address the student's needs in general education; and c) the services and supplementary aids to be provided to help the student reach annual goals and be involved in the general curriculum (Section 614(d)). In its Notice of Interpretation of the Act (Part 300, Appendix C), the Office of Special Education Programs (OSEP) states that regardless of the nature and severity of the child's disability and the setting in which the student is educated, the IEP must address the extent to which the student is to be involved with the general education curriculum.

6. Performance Goals Must Be Established

The Act requires that states (and through them local school districts) must establish performance goals for students with disabilities, consistent with the goals and standards set for all children established by the state (Section 614(A)(16)). Further, they must develop indicators to judge these students' progress. The new provisions regarding standards, outcomes and measures transform the law regarding education of students with disabilities from one that emphasizes process and participation to a focus on inclusion and outcomes. Students with disabilities must be included in state and districtwide assessments of student progress with necessary individual modifications and accommodations. The results of these assessments are to be made public. For those few students for whom such inclusion is not appropriate, alternative assessments are to be developed and their results included in state and district reports. These requirements reinforce the following: a) the measure of the education of students with disabilities is to be their mastery of the general curriculum expected of all children; b) the assessment procedures are to be modified to assess what the child is learning; and c) the learning of students with disabilities are to be included in the district's responsibility and reporting requirements. These new requirements support an equitable standard for all school districts, putting an end to the practice of excluding students whose scores are presumed to be low from the measures of school and district performance.

7. IDEA Funds May Be Used to Benefit All Students

The Act ends the stricture that the use of special education funds may have only "incidental benefits" for general education students (Section 613(a)(4)(A)). School districts now may use IDEA, Part B funds to design, implement and evaluate a school-based improvement plan; such funds may be used for services to benefit both children who are classified as disabled and for integrated and coordinated services. This provides the basis for inclusive education and school restructuring to benefit all students, general and special education.

8. Enhanced Rights of Parents

The Act requires that parents participate in the eligibility and placement decisions for their child(ren) (Section 602(29)). It sharpens the definition of the supplemental aids and support services which are required to be provided to support student placement in general education settings . This definition is now part of the law, where previously it had been in the regulations. Further, the Act requires that parents of children with disabilities must be informed of their child's progress at least as often as are parents of nondisabled children.

Beyond the role of parents of individual children with disabilities, the Act strengthens the role of parents at the policy level. State Advisory Panels, which have the authority to advise the chief state school officer and the Department of Education with respect to the performance of each state in implementing the Act, must be composed in their majority of parents of children with disabilities or of people with disabilities themselves (Section 612(A)(21)).

9. Funds for Personnel Preparation of General Educators

The Act authorizes the use of IDEA personnel preparation funds to support the professional development of general and special educators (Section 612(a)). These funds provide the basis for districts to prepare general educators for their role in the education of students with disabilities. The sizeable increase in IDEA funding gives reality to this provision.

The Act requires that all school districts must disseminate information on promising educational practices to all staff — general and special education teachers, support personnel, and administrators (Section 612(a)(14)). Further, school districts are required to adopt such promising educational practices.

10. Placement Neutral Funding Required

The Act requires that state funding formulas must be placement neutral (Section 612(a)(5)). This will assure that no longer can state funding formulas encourage more restrictive placements while the law requires less restrictive placement. As IDEA funding increases, the basis of allocation to states will shift from rewarding identification to one that is based on the total number of children (Section 611(a), (d-e)). It is anticipated that the shift will encourage school districts to sustain students in general education settings rather than place them in more restrictive special education settings.

***

The 1975 enactment and subsequent implementation of P.L. 94-142 provided assurance that students with disabilities would be served in the schools of the nation. Access to schools has largely been achieved. The shift in the 1997 reauthorization is toward student outcomes that must be based upon the general education standards and school assessments. The reauthorization gives school districts the responsibility and obligation and provides them with the funding to take a giant step toward quality education for all students.

National Center on Educational Restructuring and Inclusion (NCERI)

The National Center on Educational Restructuring and Inclusion has been established to promote and support educational programs where all students are served effectively in inclusive settings. Toward this goal, the National Center:

- Addresses issues of national and local policy
- Disseminates information about programs, practices, evaluation, and funding
- Provides training and technical assistance
- Builds a network of inclusion districts
- Identifies individuals with expertise in inclusion
- Conducts research
- Infuses inclusion into educational restructuring.

National Center on Educational Restructuring and Inclusion
Dr. Dorothy Kerzner Lipsky, Director

The Graduate School and University Center
The City University of New York
33 West 42 Street
New York, NY 10036

Telephone: (212) 642-2656 or 2151
FAX: (212) 642-1972

BEST COPY AVAILABLE

Copyright © 1998 by The National Center on Educational Restructuring and Inclusion / The Graduate School and University Center of The City University of New York

National Center on Educational Restructuring and Inclusion — Publications Available

# Copies	Cost	List of Publications Available
_____	_____	1. "Achieving full inclusion: Placing the student at the center of educational reform." D.K. Lipsky & A Gartner in *Controversial issues confronting special education* (1992). 20 pages. $1.00.
_____	_____	2. "Beyond separate education: Toward a quality system for all students." *Harvard Educational Review* (1987). A. Gartner & D.K. Lipsky. 30 pages. $1.50.
_____	_____	3. "Children at risk." A. Gartner & D.K. Lipsky in *Children at risk in America* (1993). 25 pages. $1.25.
_____	_____	4. "Equity requires inclusion," D.K. Lipsky & A. Gartner in *Disability and the dilemmas of education and justice* (1996). 10 pages. $1.00.
_____	_____	5. "The full inclusion court cases." Diane Lipton. *NCERI Bulletin*, No. 2 (Summer 1994). 12 pages. Single copies free.
_____	_____	6. "Inclusion: What it is, what it's not, and why it matters." *Exceptional Parent* (1994). D.K. Lipsky & A. Gartner. 3 pages. Single copies free.
_____	_____	7. "Inclusion, school restructuring, and the remaking of American society," *Harvard Educational Review* (1996). D.K. Lipsky & A. Gartner. 35 pages. $2.00
_____	_____	8. "Inclusive education and school restructuring." D.K. Lipsky & A. Gartner in *Controversial issues confronting special education: Divergent perspectives* (1996). 35 pages. $1.75.
_____	_____	9. *National Study of Inclusive Education*. (1995). 420 pages. $15.00.
_____	_____	10. "National survey on inclusive education." *NCERI Bulletin*. No. 1 (Spring 1994). 4 pages. Single copies free.
_____	_____	11. "New trends in disability studies: Implications for educational policy." Harlan Hahn. *NCERI Bulletin*. No.3 (Winter 1995). Single copies free.
_____	_____	12. "The 1997 Reauthorization of IDEA." *NCERI Bulletin* (Spring 1998). Single copies free.
_____	_____	13. "Restructuring for quality." A. Gartner & D.K. Lipsky in *Regular Education Initiative* (1991). 20 pages. $1.00.
_____	_____	14. "Serving all students in inclusive schools: Contrasts in Canadian and U.S. experience." A. Gartner & D.K.Lipsky in *Schools in transition: Rethinking regular and special education* (1996) 30 pages. $1.50.
_____	_____	15. "Special education: Double jeopardy for minority and poor students." D.K. Lipsky & A. Gartner. *NCERI Bulletin* 3 (Winter, 1995). Single copies free.
_____	_____	16. "Students as instructional agents." A. Gartner & D.K. Lipsky in *Support networks for inclusive schooling* (1990). 14 pages. $.75.
_____	_____	17. "We need a third wave of education reform." D.K. Lipsky in *Social Policy* (1992). 3 pages. Single copies free.

TOTAL COST

(Please make check payable to NCERI. Purchase orders accepted for orders of $50 or more.)

_____ (For free items only, please enclose a SASE.)

Send order to: National Center on Educational Restructuring and Inclusion
The Graduate School and University Center
33 West 42 Street
New York, NY 10036